IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No. 22779 of 2004

Between:

Blue Cross Animal & Environmental Welfare society its Secretary G.Eswarapratap Singh, S/o Guthula Sarveswara Rao, aged about 26 years,Visakhapatnam.

..... PETITIONER

AND

1. The Visakhapatnam Municipal Corp The Commissioner
Visakhapatnam District.
2. The Dist Panchayat Officer,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or order or direction especially in the nature of Writ of Mandamus by declaring the tender notification dated 15-11-2004 issued by the respondent No.1 for catching the dogs without proper identification of the sterilized dogs for the purpose of dumping them into rural areas of Panchayats without undertaking sterilization and immunization violating the ABC (Dogs) of Rules, 2001 as illegal, arbitrary and motivated and consequently direct the respondent No.1 to strictly implement the ABC (Dogs) Rules of 2001 for the effective control of stray dog population and also direct the respondent No.2 to stop the killing of stray dogs both local and dumped dogs by the respondent no.2 to strictly implement the ABC (Dogs) Rules of 2001 in the respective areas which are framed by the Government of India invoking the powers under section 38(1) &(2) of prevention of cruelty to Animals Act 1960.

Counsel for the Petitioner:Mr. M.R.M.Chalapathi for

Smt. C.JAYASREE SARATHY

Counsel for the Respondent No.1: Mr.T.S.Venkataramana

Standing Counsel for VMC

Counsel for Respondent No.2: G.P. for Panchayat Raj.

The Court made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The grievance of the petitioner-Society is that notification dated: 15.11.2004 has been issued by the first respondent for catching the dogs without identification of the sterilized dogs for the purpose of dumping them into rural areas of panchayats as arbitrary and illegal, and, thus, directions have been sought for implementation of ABC (Dogs) Rules, 2001 and to direct the Respondent No.2 to stop the killing of stray dogs both local and dumped dogs by the respondent No.1.

Respondent No.1 has filed counter-affidavit. It is stated that M.O.U. was entered into with Visakha Society for Prevention of Cruelty to Animals in the month of April, 2001 for sterilization and immunization of stray dogs in Visakhapatnam city. The Animal Birth Control (Dogs) Programme had covered nearly 18,000 dogs. The M.O.U. was revised and implemented with effect from 17.4.2004 and since the performance of Visakha Society for Prevention of Cruelty to Animals was at low pace in terms of redressal of public complaints, the Visakha Society was requested several times to improve the work during the review meetings. The number of complaints on stray dog menace have raised from 323 in 2002 to 882 in 2004-05. The number of stray dog bite victims also increased and the number of rabies affected cases also increased. There were spate of public complaints on the stray dogs, particularly, young children, women and fishermen. Therefore, a notification was issued on 15.1.2004 with a view to involve more number of Animal Welfare Organisations for effective implementation of the programmes. The respondents have denied dumping of dogs in the rural areas. It is stated that in the counter that the Rules are strictly

followed and every effort is made to accelerate the pace of controlling the dogs menace. Respondent No.2 also filed an affidavit stating that already instructions have been issued to subordinate officers vide Circular dated: 14.10.2004 not to kill the stray dogs and to implement the process of sterilization and immunization to control the stray dogs population and the ABC (Dogs) Rules, 2001.

In view of the counter affidavits filed by the respondents 1 and 2, there is hardly any ground to issue any directions in the writ petition filed by the petitioner-society, which has tried to challenge the notification dated: 15.11.2004, which, as per the respondents' stand has been brought about only to accelerate the control of dogs menace in Visakhapatnam strictly in accordance with the Scheme. Learned counsel for the petitioner has not been able to point out any lacuna in the implementation of the Scheme by the respondents.

The Writ Petition, therefore, stands dismissed. No costs.

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DEVINDER GUPTA, C.J.

15-2-2005

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B.SESHASAYANA REDDY, J.

VR.

To

1. The Visakhapatnam Municipal Corp The Commissioner
Visakhapatnam District.
2. The Dist Panchayat Officer,
Visakhapatnam District.

3. Two CCs to Government Pleader for Panchayat Raj, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.